



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 06-013
ACTION AGAINST)	
)	Notice of Administrative
Dan Roseburg)	Charges
)	
Respondent.)	

IT IS ALLEGED as follows:

I. JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II. ALLEGATIONS

Staff alleges, based on the facts specified in Section III, that Dan Roseburg has violated RCW 42.17.240 by failing to timely file the annual Statement of Financial Affairs (PDC form F-1) by April 15, 2005. In accordance with WAC 390-37-160 (copy enclosed) this matter is being considered by the full commission.

III. FACTS SUPPORTING ALLEGATIONS

The Respondent, Dan Roseburg, is a Fire Commissioner in Grant County Fire Protection District #5, 11058 Nelson Road, Northeast, Moses Lake, Washington 98837-8812. His term of office ends in 2005. (**Exhibit 1**) He is a candidate for re-election in 2005. Mr. Roseburg held office during 2004 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2005. On May 6, 2005, Mr. Roseburg was sent a letter stating that the F-1 report due by April 15, 2005 had not been received. The letter stated that to avoid the possibility of enforcement, the F-1 needed to be filed by May 20, 2005. (**Exhibit 2**) The F-1 report has not been filed.



(Exhibit 3) Mr. Roseburg has held office as a Fire Commissioner in Grant County Fire Protection District #5 for at least 12 years.

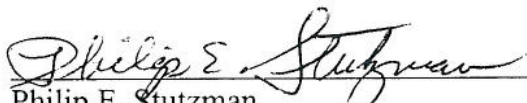
Past History – Since 2000, Mr. Roseburg has had three prior violations for failing for timely file an F-1 report. The prior violations occurred in 2001, 2003 and 2004 as detailed below. All outstanding penalties have been paid. The last F-1 filed by Mr. Roseburg was May 18, 2002.

In 2001, Case #01-574, at a brief enforcement hearing held July 30, 2001, Mr. Roseburg was found in violation of RCW 42.17.240 for failing to timely file his annual F-1 report and was assessed a penalty of \$500. The penalty has been paid. The F-1 was not filed.

In 2003, Case #03-417, at a brief enforcement hearing held June 12, 2003, Mr. Roseburg was found in violation of RCW 42.17.240 for failing to timely file his annual F-1 report and was assessed a penalty of \$300. The penalty has been paid. The F-1 was not filed.

In 2004, Case #04-562, at a brief enforcement hearing held June 21, 2004, Mr. Roseburg was found in violation of RCW 42.17.240 for failing to timely file his annual F-1 report and was assessed a penalty of \$500. The penalty has been paid. The F-1 was not filed.

RESPECTFULLY SUBMITTED this 31st day of August, 2005.


Philip E. Stutzman
Director of Compliance

Exhibits

Exhibit 1	Jurisdiction Card
Exhibit 2	May 6, 2005 Warning Letter
Exhibit 3	Affidavit signed by Jennifer Hansen
Enclosure	WAC 390-37-160

Relevant Statutes

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 9/02...”

WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule, states in part that on the fourth occasion (established violation) the matter shall be considered by the full commission.



PLEASE COMPLETE & RETURN TO
PDC NO LATER THAN FEBRUARY 11,
2005.

NAME OF JURISDICTION GRANT County FD #5
COUNTY GRANT
EMAIL ADDRESS fire5@grantcountys.net
MAILING ADDRESS 11058 NELSON ROAD NE
CITY ZIP CODE MOSES LAKE 98837-8812
FAX NUMBER 509-765-3550

NAME OF PERSON PREPARING THIS REPORT LEONARD R JOHNSON
TELEPHONE NUMBER OF CONTACT PERSON 509-765-3175
EMAIL OF CONTACT PERSON ljohnson@grantcountys.net

RECEIVED
FEB 28 2005
Public Disclosure Commission
3345C 3/1 TL

Our records show your jurisdiction had 1,000 or more registered voters as of the 2004 general election. Officials are required to file a Statement of Financial Affairs (Form F-1) by April 15, 2005.

To help the Public Disclosure Commission verify information about elected and appointed officials who will hold office at any time during 2005, please fill out the information on the reverse side of this form and return it to the Public Disclosure Commission.

Please return this to PDC by February 11, 2005

List below elected/appointed who will hold office at any time in 2005

3345 C

X Name (Last, First, MI): ROSEBURG, DAN
Email address:
Mailing/Home Address: 13120 RD SNE, MOSES LAKE, WA 98837
City: State: Zip Code:
Office Held: Position #: 2 Year Term Ends: 2005
COMMISSIONER

✓ Name (Last, First, MI): BJORK DENNIS
Email address:
Mailing/Home Address: P.O. Box 669, MOSES LAKE, WA 98837
City: State: Zip Code:
Office Held: Position #: 1 Year Term Ends: 2009
COMMISSIONER

✓ Name (Last, First, MI): HOCHSTATTER, PATRICK
Email address:
Mailing/Home Address: 10257 RD 16NE, MOSES LAKE WA 98837
City: State: Zip Code:
Office Held: Position #: 3 Year Term Ends: 2007
COMMISSIONER

Name (Last, First, MI):
Email address:
Mailing/Home Address:
City: State: Zip Code:
Office Held: Position #: Year Term Ends:

Name (Last, First, MI):
Email address:
Mailing/Home Address:
City: State: Zip Code:
Office Held: Position #: Year Term Ends:

Name (Last, First, MI):
Email address:
Mailing/Home Address:
City: State: Zip Code:
Office Held: Position #: Year Term Ends:

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May 6, 2005

DAN ROSEBURG
13120 RD 5 NE
MOSES LAKE WA 98837-9574

SUBJECT: Missing Personal Financial Affairs Statement (PDC Form F-1)

Our records indicate that pursuant to RCW 42.17 (the public disclosure law) you were required to file a Personal Financial Affairs Statement by April 15, 2005. A review of your filings confirmed that we have not yet received your F-1 or F-1A report.

I am enclosing an F-1 and F-1 Supplement form for you to complete and file with the PDC. There are also templates of the F-1, F-1A, and F-1 Supplement that are available at www.pdc.wa.gov, by clicking on "Filer Assistance" and then "Form Templates." The F-1 instruction manual is also available online under "Filer Assistance" and then click on "Manuals."

You may also electronically file your report by visiting our website and clicking on "Electronic Filing," and then on "Personal Financial Affairs Filer." You will be required to establish a user account, file a signature authorization card via U.S. mail, and submit your F-1 report online.

The F-1 report must be completed and filed with the PDC by May 20, 2005. Failure to file your report by that date may result in an enforcement matter being scheduled before the Commission that could result in the assessment of civil penalties.*

If you have already filed the F-1 form in 2005, please contact our office immediately. If you need assistance, please contact **Jennifer Hansen** at (360) 586-4560, toll-free at 1-877-601-2828 or by email at jhansen@pdc.wa.gov. Thanks for your prompt attention to this matter.

Sincerely,


Kurt Young
Compliance Officer 

Enclosures: F-1 Form and F-1 Supplement Page

* Please note that faxed reports are not accepted.

*"The public's right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private."*

RCW 42.17.010 (10)

EXHIBIT 2
Page 1 of 1



WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing.				
Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing.				
Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

- (a) Was found in violation during a previous reporting period,
- (b) The violation remains in effect following any appeals, and
- (c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370. 05-04-038, § 390-37-160, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-160, filed 11/4/03, effective 12/5/03.]